

Appl. No. 09/488,728
Amdt. and Reply dated August 4, 2005
Resp. to OA, dated February 24, 2005

4. Remarks

Applicant respectfully requests reconsideration and allowance of the claims. Claims 13, 17, and 19-28 are pending, with claims 13, 17, 19-21, and 24-26 being in independent form.

The title of the invention has been replaced with "Methods of Treating Ulcerative Colitis and Crohn's Disease Using IL-17 Receptor Proteins" to more accurately reflect the claimed invention.

Formal Matters

The specification has been amended to insert the correct SEQ ID NO at page 4. Applicant thanks the Examiner for catching this error.

Double Patenting Rejections

All claims stand rejected under the judicially created doctrine of obviousness-based double patenting, as well as statutory double patenting under 35 U.S.C. §101. The Examiner has cited *Yao, et al.*, USPN 6,680,057 in view of *Yu, et al.*, USPN 6,406,867 under 103(a)/102(e) as the basis for the rejection.

As the Examiner knows, the primary reference (*Yao, et al.*, USPN 6,680,057) is commonly owned and under an obligation of assignment to a common entity. Applicant submits a Terminal Disclaimer to remove the rejection under the judicially created doctrine of obviousness-based double patenting. Also, Applicant submits a Statement of Common Ownership to remove the *Yao, et al.*, USPN 6,680,057 patent as 102(e) prior art, as permitted under 103(c) and thereby obviating the statutory double patenting rejection.

35 U.S.C. §112, first paragraph

Claims 15 and 16 have been cancelled.

Applicant believes that all prosecution matters have been fully addressed and that all claims are in condition for allowance. The Examiner is invited to contact the undersigned to discuss any remaining issues in order to facilitate early allowance of the application.

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Respectfully submitted


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